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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,702	08/14/2006	Frank Hondmann	2002P01437WOUS	4817

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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER	
LETTMAN, BRYAN MATTHEW	
ART UNIT	**PAPER NUMBER**
3746	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/539,702	HONDMANN ET AL.	
	Examiner	Art Unit	
	Bryan Lettman	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

In view of the appeal brief filed on 12/3/2010, PROSECUTION IS HEREBY REOPENED. A new non-final rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Devon C Kramer/

Supervisory Patent Examiner, Art Unit 3746.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Publication 0 722 070 to Pettinari.

Pettinari discloses a ventilator housing comprising:

at least one control board seat arrangement (8 and 7A) with at least one seat arrangement (8 and 7A) for a printed circuit board that is formed integrally with the ventilator housing (fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13-19, 21-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2005/0106046 to Winkler, in view of U. S Patent 6,144,556 to Lanclos.

Referring to claim 13, Winkler teaches a ventilator comprising:

a housing front (the top surface as shown in Fig. 3);

a housing back (the bottom surface as shown in Fig. 3);

a sidewall arrangement (the right and left vertical surfaces as shown in Fig. 3) interconnecting said housing front and said housing back to one another at a spacing from one another as viewed in a depth direction (shown in fig. 3);

the ventilator housing forming a channel (the space between the housing front and back that surrounds the blades 106) through which air flows with the ventilator housing having an aperture through which air is drawn into the ventilator housing and another aperture through which air is blown out of the ventilator housing (the top and bottom each for one of the two apertures, one of which allows air to be drawn into the housing and the other of which allows air to be blown out of the housing, determined by which way the blades turn);

at least one seat arrangement (98), said seat arrangement (98) not forming a portion of the channel formed by the ventilator housing (shown in Fig. 3, seat arrangement 98 is not in the flow channel which surrounds the blades 106), whereupon air flowing through the channel does not flow in contact with said seat arrangement (98) during its passage through the channel (paragraph [0029], lines 1-4, paragraph [0030], lines 2-4);

said seat arrangement (98) including a plurality of retention devices (102) for detachable retention on an outer peripheral surface of said seat arrangement (98) (via cover 100) of a plurality of technical components (94 and 96) for operating the ventilator, such that said components are secured with at least a portion of each of said components extending in the depth direction between said housing front and said housing back outwardly of said sidewall arrangement (shown in Fig. 3).

Winkler does not teach fixture devices having grooves and clips for securing said seat arrangement. Lanclos teaches a ventilator housing wherein:

a retention device (200) includes a plurality of grooves (205) for inserting a plurality of technical components (shown in Fig. 9) and a plurality of clip elements (300, the screws discussed in col. 6, lines 21-26, as shown in Fig. 1) for securing said components in said grooves (205), said grooves (205) receiving said components inserted therein (shown in Fig. 9).

It would be obvious to one of skill in the art, at the time of invention, to modify the ventilator taught by Winkler with retention device taught by Lanclos in order to properly secure the technical components, thereby preventing them from being damaged by coming loose inside the housing and impacting against the housing.

Referring to claim 14, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) is constructed integrally with the ventilator housing (22).

Referring to claim 15, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) is arranged on the exterior of the ventilator housing (22) (fig. 3).

Referring to claim 16, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes fixing means (102) for securing said technical components (94 and 96).

Referring to claim 17, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said technical components (94 and 96) are secured in said seat arrangement (89) by positive (102) and non-positive (fig. 5) locking means.

Referring to claim 18, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes a cover closure element (100 and 142) for closing said seat arrangement (98).

Referring to claim 19, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement has at least one opening (fig. 3) to allow a cable (92) to pass therethrough.

Referring to claim 21, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing including:

at least one of a condenser, a mains connector, a printed circuit board (90) or at least one control board detachably secured to said seat arrangement (98).

Referring to claim 22, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing further comprising:

a plurality of at least one of channels, guides or retainers (fig. 3) for securing or passing through electrical wires (92) for connecting said technical components (94 and 96) to each other.

Referring to claim 23, Winkler and Lanclos teach all the limitations of claim 13 as explained above, but do not teach the use of the housing in an extraction hood. However, it has been held that the recitation with respect to the matter in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex part Masham*, 2 USPQ2d 1647 (1987).

Referring to claim 25, Winkler and Lanclos teach all the limitations of claim 13 as explained above, but Winkler does not teach multiple circuit boards. Lanclos further teaches a housing wherein:

said plurality of grooves includes a first groove for insertion thereinto of a portion of a first circuit board (115) and a second groove for insertion thereinto of a portion of a second circuit board (115) (col. 7, lines 16-22; shown in Fig. 12).

Referring to claim 26, Winkler and Lanclos teach all the limitations of claim 25 as explained above, and Winkler further teaches a structure wherein:

said seat arrangement includes a first lateral wall, a second lateral wall in opposition to said first lateral wall, and an open face delimited between said first and second lateral walls (shown in Fig. 8). Winkler does not teach a groove.

Lanclos further teaches a housing wherein:

a lateral groove is located at a lateral wall and has an open end at an open face, whereupon a respective circuit board (115) can be inserted through said open face into the lateral groove (shown in Fig. 9).

Referring to claim 27, Winkler and Lanclos teach all the limitations of claim 26, as detailed above, but Winkler does not teach fixture devices having grooves and clips for securing said seat arrangement. Lanclos teaches a ventilator housing wherein:

said plurality of clip elements includes a positive locking element (300, the screws inherently have threads) operable to resist withdrawal of a circuit board (115) that has been inserted into a lateral groove.

Claims 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent Publication 2005/0106046 to Winkler and U. S. Patent 6,144,556 to Lanclos as applied to claim 13 above, and further in view of U. S. Patent 4,818,822 to Yahraus.

Winkler and Lanclos teach all the limitations of claim 13 as detailed above, and Winkler further teaches a housing wherein:

said seat arrangement (98) includes a housing (the portion adjacent to the flow channel) and a cover (100) element that is movable relative to said housing between an open position and a covering position (paragraph [0030], lines 2-4).

Winkler and Lanclos do not teach a mechanism for relieving strain on said cable or a mechanism for strain relief including a first part on said housing and a second part on said cover element. Yahraus teaches a seat arrangement wherein:

a seat arrangement (10) includes:

a housing (the left portion of 20, shown in Fig. 3) and a cover (the right side of 20, shown in Fig. 3) element that is movable relative to said housing between an open position (shown in Fig. 3) and a covering position (shown in Fig. 1); and

a mechanism for strain relief of a cable (21) includes a first part (29) on said housing and a second part (28) on said cover element that cooperate together in the covering position of said cover element to engage a cable (15) extending therebetween to resist withdrawal of the cable (15) out of said housing and to resist twisting of said cable (15) with the first part (29) on said housing continuously applying a radially inward force on the cable (15) relative to an axis of the cable (15) and the second part (28) on said cover element continuously applying a radially inward force on the cable (15) in opposition to the radially inward force applied on the cable (15) by the first part (29) on said housing such that a respective radial cross sectional portion of the cable (15) is continuously radially inwardly deflected (by 33 and 34) between the first part (29) and the second part (28) of said housing, the opposed radially inward forces applied on the cable by the first part (29) on said housing and the second part (28) on said cover element resisting strain on a portion of the cable (15) to one side of said cover element that may result from an axial movement force applied on another portion of the cable (15) on an opposite side of said cover element, and the opposed radially inward forces applied on the cable (15) by the first part (29) on said housing and the second part (28) on said cover element resisting twisting of the portion of the cable (15) on the one side of said cover element that may result from an angular movement force applied on the another portion of the cable (15) on the opposite side of said cover element (Fig. 3; col. 3, lines 20-35).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler, with the seat arrangement taught by Yahraus in order to

economically support and seal the cable passing through the wall of said seating arrangement, reducing wear on the cable and technical components, and thereby extending the life of the housing.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication 0 722 070 to Pettinari in view of U.S. Patent Publication 2005/0106046 to Winkler and U. S Patent 6,144,556 to Lanclos.

Referring to claim 29, Pettinari teaches all the limitations of claim 24, as detailed above, and further teaches a housing comprising:

a housing front (top of 13);

a housing back (bottom of 12), and

a sidewall arrangement (sides of 12) interconnecting said housing front (top of 13) and said housing back (bottom of 12) to one another at a spacing from one another as viewed in a depth direction (shown in Fig. 2), the ventilator housing forming a channel (the space formed between 12 and 13) through which air flows (shown by arrow in Fig. 2) with the ventilator housing having an aperture (in bottom of 12, near fan motor) through which air is drawn into the ventilator housing and another aperture (14) through which air is blown out of the ventilator housing.

Pettinari is silent as to how the technical components are secured in the seat arrangement. Winkler teaches a ventilator wherein:

a seat arrangement (98) includes a plurality of retention devices (102) for detachable retention on an outer peripheral surface of said respective one seat

arrangement (98) of a plurality of technical components (94, 96) for operating the ventilator.

It would be obvious to one of skill in the art, at the time of invention, to modify the ventilator taught by Pettinari with the seat arrangement taught by Winkler in order to protect the technical components from the air flow, thereby preventing them from being damaged by objects and corrosives which might be entrained in the air flow.

Winkler does not teach a seat arrangement having grooves. Lanclos teaches a ventilator housing wherein:

a seat arrangement (shown in Fig. 9) having a retention device that includes a plurality of grooves (205) for inserting a plurality of technical components (shown in Fig. 9) and a plurality of clip elements (300, the screws discussed in col. 6, lines 21-26, as shown in Fig. 1) for securing said components in said grooves (205), said grooves (205) receiving said components inserted therein such that said components are secured with at least a portion of each of said components extending in the depth direction between a housing front and said housing back outwardly of a sidewall arrangement (shown in Fig. 9);

said plurality of grooves (205) includes a first lateral groove for insertion thereinto of a portion of a first circuit board (115) and a second lateral groove for insertion thereinto of a portion of a second circuit board (115) (Fig. 12 illustrates an embodiment having multiple circuit boards mounted in multiple grooves 205),

said seat arrangement includes a first lateral wall (102), a second lateral wall (103) in opposition to said first lateral wall (102), and an open face (shown in Fig. 1)

delimited between said first (102) and second (103) lateral walls, each of said grooves are located at a respective one of said first and second lateral walls and has an open end at said open face (shown in Fig. 1 for a one board setup and in Fig. 12 for multiple boards),

whereupon a respective circuit board (115) can be inserted through said open face into a respective given one of said lateral grooves (205) (shown in Fig. 9), said plurality of clip elements (300) includes a positive locking element (the screws discussed in col. 6, lines 21-26, as shown in Fig. 1) operable to resist withdrawal of a circuit board (115) that has been inserted into a respective one of said first and second lateral grooves (205).

It would be obvious to one of skill in the art, at the time of invention, to modify the ventilator taught by Pettinari with the retention device taught by Lanclos in order to properly secure the technical components, thereby preventing them from being damaged by coming loose inside the housing and impacting against the housing.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication 0 722 070 to Pettinari in view of U.S. Patent Publication 2005/0106046 to Winkler and U. S Patent 6,144,556 to Lanclos as applied to claim 29 above, and further in view of U. S. Patent 4,818,822 to Yahraus.

Pettinari, Winkler and Lanclos teach all the limitations of claim 29, as detailed above, but do not teach a seat arrangement having both retention devices and a mechanism for strain relief of a cable. Yahraus teaches a seat arrangement wherein:

a seat arrangement (10) including a plurality of retention devices (45, 51, 52) for detachable retention on an outer peripheral surface of said seat arrangement (10) of a plurality of technical components (18), a seat arrangement housing (the left portion of 20, shown in Fig. 3) and a cover (the right side of 20, shown in Fig. 3) element that is movable relative to said housing between an open position (shown in Fig. 3) and a covering position (shown in Fig. 1) and said seat arrangement (10) includes a mechanism for strain relief of a cable (21), said mechanism for strain relief of a cable (21) includes a first part on said seat arrangement housing (29) and a second part on said cover element (28) that cooperate together in the covering position of said cover element to engage a cable (15) extending therebetween to resist withdrawal of the cable out of said seat arrangement housing with the first part on said seat arrangement housing (29) continuously applying a radially inward force on the cable (15) relative to an axis of the cable (15) and the second part on said cover element (28) continuously applying a radially inward force on the cable (15) in opposition to the radially inward force applied by the first part (29) on said seat arrangement housing such that the opposed radially inward inward forces applied on the cable (15) by the first part on said seat arrangement housing (29) and the second part on said cover element (28) resist strain on the cable (15) to one side that may result from an axial movement to withdrawn the cable (15) from said seat arrangement housing and resist twisting of the cable that may result from an angular rotational movement of the cable about its axis (Fig. 3; col. 3, lines 20-35).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Pettinari, with the seat arrangement having both retention devices and a strain relief mechanism taught by Yaraus in order to secure the technical components, thereby preventing damage to them and to reduce strain on the cable thereby preventing the cable from being inadvertently torn out of the seat arrangement and to resist vibration that may cause loose connections.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2005/0106046 to Winkler in view of U. S. Patent 4,818,822 to Yahraus.

Winkler teaches a ventilator comprising:

a housing front (the top surface as shown in Fig. 3);

a housing back (the bottom surface as shown in Fig. 3);

a sidewall arrangement (the right and left vertical surfaces as shown in Fig. 3) interconnecting said housing front and said housing back to one another at a spacing from one another as viewed in a depth direction (shown in fig. 3)

the ventilator housing forming a channel (the space between the housing front and back that surrounds the blades 106) through which air flows with the ventilator housing having an aperture through which air is drawn into the ventilator housing and another aperture through which air is blown out of the ventilator housing (the top and bottom each for one of the two apertures, one of which allows air to be drawn into the housing and the other of which allows air to be blown out of the housing, determined by which way the blades turn);

at least one seat arrangement (98), said seat arrangement (98) including a plurality of retention devices (102) for detachable retention on an outer peripheral surface of said seat arrangement (98) (via cover 100) of a plurality of technical components (94 and 96) for operating the ventilator, said seat arrangement (98) includes a housing (the portion adjacent to the flow channel) and a cover (100) element that is movable relative to said housing between an open position and a covering position (paragraph [0030], lines 2-4).

Winkler does not teach a mechanism for relieving strain on said cable or a mechanism for strain relief including a first part on said housing and a second part on said cover element. Yahraus teaches a seat arrangement wherein:

a seat arrangement (10) includes a seat arrangement housing (the left portion of 20, shown in Fig. 3) and a cover (the right side of 20, shown in Fig. 3) element that is movable relative to said housing between an open position (shown in Fig. 3) a covering position (shown in Fig. 1) and said seat arrangement (10) includes a mechanism for strain relief of a cable (21), said mechanism for strain relief of a cable (21) includes a first part on said seat arrangement housing (29) and a second part on said cover element (28) that cooperate together in the covering position of said cover element to engage a cable (15) extending therebetween to resist withdrawal of the cable out of said seat arrangement housing with the first part on said seat arrangement housing (29) continuously applying a radially inward force on the cable (15) relative to an axis of the cable (15) and the second part on said cover element (28) continuously applying a radially inward force on the cable (15) in opposition to the radially inward force applied

by the first part (29) on said seat arrangement housing such that the opposed radially inward inward forces applied on the cable (15) by the first part on said seat arrangement housing (29) and the second part on said cover element (28) resist strain on the cable (15) to one side that may result from an axial movement to withdrawn the cable (15) from said seat arrangement housing and resist twisting of the cable that may result from an angular rotational movement of the cable about its axis (Fig. 3; col. 3, lines 20-35).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Pettinari, with the seat arrangement having both retention devices and a strain relief mechanism taught by Yaraus in order to secure the technical components, thereby preventing damage to them and to reduce strain on the cable thereby preventing the cable from being inadvertently torn out of the seat arrangement.

Response to Arguments

Applicant's arguments filed with the December 3, 2010 appeal brief with respect to the rejection(s) of claim(s) 20, 28, 30 and 31 under 35 USC 103 have been fully considered and are persuasive.

Applicant's arguments filed with the December 3, 2010 appeal brief with respect to the rejection(s) of claim(s) 13-19, 21-27 and 29 have been fully considered but they are not persuasive.

Applicants argues that "Pettinari EP 0 722 070 does not disclose, as asserted by the Examiner, at least one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. Instead, the electronic componentry 7a in the form of a circuit board of Pettinari EP 0 722 070 is mounted in a hood front panel

20A, not a 'seat arrangement.'" MPEP §2111 states that "[d]uring patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In lines 19-27 of page 2 in the specification, it is stated that "[t]he term seat arrangement is understood to mean a retainer in or on the ventilator housing for a technical component for operating the ventilator. In each case, the seat arrangement is designed such that the corresponding component may be easily attached in or on this seat arrangement." As shown in Figures 3 and 4 of Pettinari, the recess 8 retains a technical component 7A in the ventilator housing. Accordingly, using the broadest reasonable interpretation of the claim limitations, consistent with the specification, Pettinari disclose a seat arrangement formed integrally with the ventilator housing and Applicants' argument is therefore unpersuasive.

Applicants next argue that Winkler relates to a miniature fan and that Lanclos '556 discloses a heat dissipation housing which is not related to the field of ventilators for a cooking appliance nor is it related to the field of housings or electrical components for such cooking appliance ventilators. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Applicants discloses a solution to the problem of mounting an electrical component, or mounting an electrical component housing in a ventilation system, and both Winkler and Lanclos disclose solutions to the problem of mounting an electrical component, or mounting an electrical component

housing in ventilation systems. Accordingly, both Winkler and Lanclos are reasonably pertinent to the particular problem with which the applicant was concerned. Furthermore, since applicant's disclosure, Winkler and Lanclos all relate to mounting an electrical component, or mounting an electrical component housing in a ventilation system, Winkler and Lanclos are both in the field of applicant's endeavor. Accordingly this argument is not persuasive.

Applicants further argue that since Applicants seek to solve a problem in a particular type of ventilation system, specifically in an extraction hood, that the Winkler and Lanclos references are not pertinent. However, an extraction hood is a ventilation system and the problem of mounting an electrical component, or mounting an electrical component housing is a problem common to all types of ventilation systems. Therefore a solution to the problem of mounting an electrical component, or mounting an electrical component housing in any type of ventilation system is pertinent to the problem of mounting an electrical component, or mounting an electrical component housing in an extraction hood. Accordingly this argument is not persuasive.

Applicant next argues that

> Lanclos '556 does not teach or disclose, as recited in claim 13, a seat arrangement that is isolated from the channel formed by the ventilator housing such that air flowing through the channel does not flow in contact with the seat arrangement. Instead, Lanclos '556 discloses that the electronic circuits housed in its housing 50 are cooled by forcing cooling air through the housing in a serpentine manner before the cooling air exits the housing. Accordingly, it is submitted that a combination of Winkler and Lanclos '556 would fail to yield the ventilator housing recited in claim 13 of the present application.

However, as detailed above, the primary reference Winkler already teaches a ventilator housing such that air flowing through the channel does not flow in contact with

the seat arrangement. Therefore, when the seat arrangement taught by Winkler is modified with the teachings of Lanclos, the seat arrangement will remain isolated from the air flowing through the channel. Accordingly, Applicants' argument is unpersuasive.

Finally, applicants argue that

> it would not have been obvious to one of skill in the art, at the time of the invention, to modify the ventilator taught by Pettinari with the seat arrangement taught by Winkler US 2005/0106046…[because] the prior art, as discussed, fails to provide any hint or motivation for combining Pettinari EP 0 722 070 and Winkler US 2005/0106046, and in view of the fact that Winkler US 2005/0106046 and Pettinari EP 0 722 070 each disclose distinctly different arrangements, it appears that only hindsight reasoning based upon the Applicants' own disclosure could be the basis for the suggested combination.

It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, the combination does not include knowledge gleaned only from Applicants' disclosure. As detailed above, it would be obvious to one of skill in the art, at the time of invention, to modify the ventilator taught by Pettinari with the seat arrangement taught by Winkler in order to protect technical components from an air flow, thereby preventing them from being damaged by objects and corrosives which might be entrained in the air flow. This motivation was within the level of ordinary skill at the time the claimed invention was made and not knowledge gleaned only from the applicants' disclosure. Accordingly, Applicants' argument is unpersuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Lettman whose telephone number is (571) 270-7860. The examiner can normally be reached on Monday - Thursday between 9:00 am and 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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